



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LT. GOVERNOR

KEVIN M. BURKE
SECRETARY

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Fire Services

P.O. Box 1025 ~ State Road

Stow, Massachusetts 01775

(978) 567~3100 Fax: (978) 567~3121



STEPHEN D. COAN
STATE FIRE MARSHAL

THOMAS P. LEONARD
DEPUTY STATE FIRE MARSHAL

MEMORANDUM

To: Heads of Fire Departments

**From: Stephen D. Coan
State Fire Marshal**

Date: April 1, 2008

RE: Updates to 527 CMR 9

Attached please find a copy of 527 CMR 9, relative to tanks and containers, which contain significant revisions. Below is a summary of the major changes. Questions regarding this regulation may be directed to the Code Compliance & Enforcement Unit at (978) 567-3375 or in western Massachusetts at (413) 587-3181.

**A Guide to Recent Changes to 527 CMR 9
Tanks and Containers**

The Department of Fire Services, Office of the State Fire Marshal has developed this guide to highlight the recent changes to 527 CMR 9. The changes affect both the aboveground tanks (AST) and underground storage tanks (UST). This document was developed as a convenience to those interested parties and does not contain a complete description of all code changes.

The Board of Fire Prevention has promulgated a number of changes to 527 CMR 9, many of which are a direct result of the Federal Energy Act of 2005. Additional changes were made to remove outdated provisions and update definitions and referenced standards.

Highlighted changes by section:

Purpose and Scope:

- ❖ Additional language was added clarifying the relationship between the State Building Code (780 CMR) and 527 CMR 9 as it relates to aboveground storage tanks.

Definitions:

- ❖ A number of definitions were revised to provide consistency throughout the body of the code.
- ❖ Obsolete definitions have been eliminated.
- ❖ The CMR has been revised to be consistent with other regulatory and statutory changes.
- ❖ New definitions were added for new subject matter.

Aboveground Storage Tank (over 10,000 gallons of combustible liquids):

- ❖ Referenced standard has been changed to NFPA 30-2003.

Aboveground Storage Tanks (10,000 gallons or less of Class I liquids):

- ❖ Most of this section has been eliminated. Tanks must now meet the requirements of NFPA 30-2003 or NFPA 30A-2003 for tanks at fuel dispensing locations.
- ❖ The head of the fire department is permitted to accept the installation provisions of NFPA 395 at farms and other isolated locations.

Underground Storage Tanks:

- ❖ All new, replacement, and substantially modified dispensers will be equipped with dispenser sump, which shall be continually monitored for product loss. (*Exception:* This requirement shall not apply to the replacement or repair of the product dispenser due to damage or malfunction.)
- ❖ All new or replacement tanks utilizing a submersible pump shall be equipped with a sump. All sumps shall be continuously monitored for product loss.
- ❖ Tanks, piping, and dispensers must be installed by a person certified in writing by the equipment manufacturer or petroleum equipment association as being qualified.
- ❖ All single wall steel tanks shall be removed from the ground by August 7, 2017.
 - *Exceptions:* This does not apply to consumptive use only tanks nor to those tanks that were relined prior to August 8, 2007 in accordance with A.P.I. 1631, 1983 Edition, if the following conditions have been met:
 - a.) A proper permit and approval was issued by the head of the fire department for such relining, **and**
 - b.) A legally valid warranty exists for said relining.
- ❖ The relining of tanks is prohibited.
- ❖ Permits to maintain existing underground tanks are issued or renewed contingent upon completion and receipt of third party inspections.
- ❖ Adoption of specific requirements for prohibiting delivery to any underground storage tank by the Marshal or head of the fire department.
- ❖ Establishes a third party inspection program. Sets minimum inspector qualifications and establishes inspection requirements. ***Owners, including state, municipal, and federal facilities*** containing underground storage tanks will be required, at their own expense, to

have their tanks inspected by a third party inspector once every three years. ***Deadline for completing the third party inspection is August 2010.*** Inspection reports are provided to head of the fire department and the Marshal.

- ❖ Form FP-290 has been revised. Aboveground Storage Tanks will no longer be reported on the form. Forms will now be sent directly by the tank owner to the fire department and the Marshal
(fire department sign off is not required).
- ❖ Additional information on financial responsibility is required. A new FP-290 will be required only when any of the information on the form has changed.